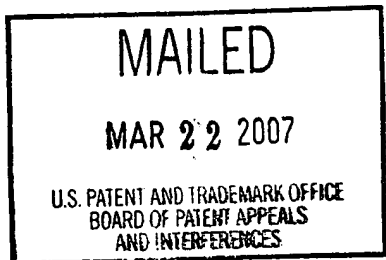


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAZUNORI YOSHINO

Application No. 10/029,290



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On May 30, 2006, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1207.01 (8th ed., Rev. 3, 2005). The MPEP states in part:

An appeal conference is mandatory in all cases in which an acceptable brief (MPEP § 1205) has been filed.

...

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal

Application No. 10/029,290

...

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

This examiner's answer does not comply with the requirements listed above in any manner. Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to submit a Revised Examiner's Answer that complies with the MPEP appeal conference requirements as noted above, and
- (b) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/vsh

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